HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 25831 of 2006

DATED: 18.1.2007

Between:

Hemanth Kumar Sharma and others

… Petitioners

and

The Inspector of Police, Alwal Police Station, Cyberabad, Hyderabad and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 25831 OF 2006

ORAL ORDER:

The writ petition is filed alleging unlawful exercise of power and unwarranted interference by the 1st respondent in calling upon the petitioner to give an undertaking not to make constructions in the property in an extent of 646 sq.yds in Sy.Nos.4, 8 and 9 of Hasmathpet village, Balanagar Mandal, Kukatpally Municipality, Ranga Reddy District.

The petitioner claims to be the owner of the property and to be making the constructions in the said property after obtaining a proper permit from the Kukatpally Municipality. According to him, there is a dispute with one M. Rajasekhar Reddy, in relation to the property. O.S.No.3212 of 2006 has been filed by the petitioner before the Principal Junior Civil Judge, Ranga Reddy District, in relation to the property. In the suit, an ad interim injunction was granted on 26.9.2006. Despite the order of injunction, it appears Mr. Rajasekhar Reddy's followers demolished the compound wall built by the

petitioner. He lodged a complaint to the 1st respondent on 19.11.2006. Petitioner states that the 1st respondent declined to register the complaint, on the ground that there was an order of status-quo by the High Court and therefore the petitioner should not make any constructions. This is the case insofar as the 1st petitioner is concerned. In respect of the other petitioners also, they claim to be the owners of lands in varying extents in Sy.Nos. 4, 8 and 9 of Hasmathpet village. All the petitioners allege that the respondents and in particular the 1st respondent is interfering with their lawful constructions in the properties owned by them and that such interference is being indulged in by the 1st respondent at the instance of the 3rd respondent. The petitioners allege that their plots are in Sy.No. 4 of Hasmathpet village and that there is no order of any court interdicting the constructions in Sy.No.4. W.P.No.5111 of 2005, in which the respondents apparently claim that an interim order was passed and which is stated to be the basis for the 1st respondent's interference, was initiated by M/s Gold Stone Enterprises Limited and to which the petitioners are not party respondents. The grievance in that writ petition is that the Assistant Commissioner of Police and Circle Inspector of Police, Alwal are interfering with the land of the petitioner therein located in Sy.Nos. 1, 14 and 15 of Hasmathpet village. The lands in Sy.No.4 are not the subject matter of W.P.No.5111 of 2005.

On the above material, the petitioners allege unlawful interference by the 1st respondent.

The 1st respondent has filed a counter affidavit stating that the 3rd respondent-Mandal Revenue Inspector, Balanagar Mandal, Ranga Reddy District had lodged a complaint on 7.12.2006 before the answering respondent that illegal constructions are going on in Sy.No.1 of Hasmathpet village, which land is a subject matter of O.S.No.14 of 1958; that the land is in Government custody and the petitioners are undertaking the development of land by constructing compound wall etc. In view of the orders in W.P.No.5111 of 2005, the respondent had called the petitioners and the petitioners are stated to have voluntarily given an undertaking that as the High Court had passed orders in W.P.No.5111 of 2005, they would not continue with the constructions at the site. After obtaining such an undertaking from the petitioners, the answering respondent states, he did not initiate any further action. As the petitioners' complaints are civil in nature, the answering respondent pleads that he has not registered the same. Other allegations in the writ petition are denied.

The learned Government Pleader for Home, on obtaining instructions from the 1st respondent, states the 1st respondent will not interfere in any civil disputes or with the lawful activity of the petitioners in lands owned by them.

In view of the averments in the counter affidavit and in view of the undertaking on behalf of the 1st respondent, no further proceedings are warranted. The writ petition is disposed of recording the above undertaking of the 1st respondent. No costs.

GODA RAGHURAM, J

Date: 18.1.2007
CVM